



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, DC 20231  
www.uspto.gov

Provisional Application Number: 60/ 442, 497

### Letter re Non-English Language Application Papers in a Provisional Application

The above-identified provisional application was filed in a language other than English. An English translation of a non-English provisional application must be filed in either the provisional application or in each nonprovisional application that claims the benefit of the provisional application filing date under 35 USC 119(e). Therefore, if an English translation and a statement that the translation is accurate have not been filed in the above-identified provisional application when a nonprovisional application is filed claiming the benefit of the filing date of the provisional application, the Office will mail a Notice requiring an English translation and the statement in each later-filed nonprovisional application claiming priority to the above-identified provisional application.

In the event that the Office schedules a nonprovisional application that claims the benefit of a provisional application filed in a language other than English for publication without issuing a Notice requiring the applicant to file an English translation of the non-English provisional application, the applicant should file the English translation of the non-English provisional application and a statement that the translation is accurate before the scheduled publication date.

37 CFR 1.78(a)(5) states in part:

(iv) If the prior-filed provisional application was filed in a language other than English and an English-language translation of the prior-filed provisional application and a statement that the translation is accurate were not previously filed in the prior-filed provisional application or the later-filed nonprovisional application, applicant will be notified and given a period of time within which to file an English-language translation of the non-English-language prior-filed provisional application and a statement that the translation is accurate. In a pending nonprovisional application, failure to timely reply to such a notice will result in abandonment of the application.

S. N. L. H.  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

February 2002